

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SPENCER MITCHELL,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

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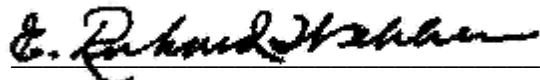
Case No. 4:09CV00962 ERW

ORDER

IT IS HEREBY ORDERED that Movant Spencer Mitchell's Application for Certificate of Appealability [doc. #27] is **DENIED**. As set forth in the Court's Memorandum and Order dated June 28, 2010 [doc. #16], the Court concluded that no such certificate may issue because Movant failed to make a substantial showing of the denial of a constitutional right with respect to any of the claims in his Motion under 28 U.S.C. § 2255.

IT IS FURTHER ORDERED that Movant Spencer Mitchell's Request for Leave to Proceed on Appeal Without Prepayment of Costs or Fees [doc. #25] is **DENIED, as moot**.

Dated this 6th Day of October, 2010.



E. RICHARD WEBBER
UNITED STATES DISTRICT COURT